

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------------|---|------------------------|
| ACCU-TIME SYSTEMS, INC. | : | |
| 420 Somers Rd. | : | |
| Ellington, Connecticut 06029, | : | Civil Action No. _____ |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| ZUCCHETTI U.S.A. | : | |
| 9 Bartlett Street/#385 | : | |
| Andover, Massachusetts 01810, | : | |
| | : | |
| ZUCCHETTI TMC S.r.l. | : | |
| Via Andrea Costa, 202 | : | |
| 40134 Bologna – Italy, | : | |
| | : | |
| and | : | |
| | : | |
| AXESS TMC S.r.l. | : | |
| Via C. Piscane, 46 | : | |
| 20025 Legnano (MI) | : | |
| Italy, | : | |
| Defendants. | : | |

COMPLAINT

PARTIES

1. Plaintiff Accu-Time Systems, Inc. ("Accu-Time"), is a corporation, organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal place of business at 420 Somers Rd., Ellington, CT 06029.

2. Upon information and belief, Defendant Zucchetti TMC, S.r.l. ("Zucchetti TMC") is an Italian corporation located at Via Andrea Costa, 202, 40134 Bologna - Italy. Zucchetti TMC regularly does business in the United States.

3. Upon information and belief, Defendant Axess TMC S.r.l. ("Axess TMC") is an Italian corporation located at Via C. Piscane, 46, 20025 Legnano (MI) Italy. Zucchetti TMC regularly does business in the United States.

4. Upon information and belief, Defendant Zucchetti USA is a United States entity of unknown legal status and is located at 9 Bartlett Street/#385, Andover, Massachusetts 01810.

5. Upon information and belief, Zucchetti USA is an agent for or a related company to Zucchetti TMC and Axess TMC and they have been acting in concert within respect to the matters complained of herein.

JURISDICTION

6. This action arises out of the patent laws of the United States, Title 35, United States Code, and this Court has jurisdiction under Title 28, United States Code Sections 1331, 1332 and 1338(a).

7. Venue is properly laid in this judicial district pursuant to Title 28, United States Code, Sections 1391(b), 1391(c), 1391(d), and 1400(b).

COUNT I

8. On November 30, 1999, United States Letters Patent No. 5,959,541 (the "541 patent") were duly and legally issued to plaintiff for an invention in a "Biometric Time and Attendance System and Attendance System with Epidermal Topographical Updating Capability"; and since that date Plaintiff has been its

owner. A true and correct copy of the '541 patent is attached hereto as Exhibit "A" and is incorporated herein by reference.

9. Defendants are willfully infringing, contributing to, or inducing the infringement of the '541 patent by making, selling, offering for sale, importing and using devices that fall within the scope of the claims of the '541 patent, and will continue to do so unless enjoined by this Court.

10. As a result of Defendants' willful, wanton and deliberate acts, Plaintiff has suffered and will continue to suffer irrevocable damages in its trade and business.

11. As a result of Defendants' willful, wanton and deliberate acts, Plaintiff has suffered monetary damages by reason of their infringement of the '014 patent, the amount of which is presently unknown.

WHEREFORE, Plaintiff prays for the following relief:

A. A permanent injunction against the Defendants, its agents, servants, employees, and all persons in active concert or participation with, through, or under it, from infringing the '541 patent pursuant to the provisions of 35 U.S.C. Section 283.

B. An award of damages and lost profits, to be determined at trial, against the Defendants that is sufficient to compensate Plaintiff for its damage pursuant to the provisions of 35 U.S.C. Section 284.

C. An order trebling the amount of such damages determined under paragraph B above pursuant to the provisions of 35 U.S.C. Section 284.

D. An award of Plaintiff's costs, expenses, attorneys' fees and post-judgment and pre-judgment interest pursuant to the provisions of 35 U.S.C. Sections 284 and 285.

E. Such other relief as this Court deems just and equitable.

JURY TRIAL DEMAND

Plaintiff hereby demands trial by jury of all issues properly tried to a jury.

Respectfully submitted,

Date: 5/26/05

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